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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,519	11/30/2001	Etienne Degand	4004-025-30	6858

7590 04/24/2003

Patent Prosecution Services  
Piper Marbury Rudnick & Wolfe  
1200 Nineteenth Street NW  
Washington, DC 20036-2412

EXAMINER

JEFFERY, JOHN A

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 04/24/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/926,519

Applicant(s)

DEGAND ET AL.

Examiner

John A. Jeffery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 and 11-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

All claim numbers referred to in the specification (p. 4, lines 2, 6, etc.) must be deleted as the scope and content of the claims could change throughout prosecution.

The examiner acknowledges Applicant's request to hold the correction in abeyance.

However, to expedite prosecution, Applicant must make the changes in response to this action. Appropriate correction is required.

### ***Statutory Text Omitted***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Claim Rejections - 35 USC § 102***

Claims 8 and 11-14, and 16 are rejected under 35 USC 102(b) as being anticipated by DE3708577. DE3708577 discloses a heated windshield with a plurality of uncoated regions 8 surrounded by an electrically heated coating 6. Because the uncoated regions are devoid of any metallic material (that would potentially shield electromagnetic radiation), the uncoated regions would inherently permit the passage of electromagnetic signals (i.e., data) therethrough. According to the abstract, such a

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pattern permits "adequate transmission...as well as adequate reflection of infra-red radiation." Thus, the coating functions as an electrically heatable "solar control" coating. Note also the abstract which characterizes the coating as "electrically conducting" and "heat reflective." Regarding the disposition of the "data transmission window" "adjacent" the top or bottom edge of the glazing panel, the scope and breadth of the term "adjacent" did not preclude the relative proximity of the uncoated regions to the panel edges of DE3708577.

### ***Claim Rejections - 35 USC § 103***

Claims 8, 11-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR2737075 in view of EP378917. FR2737075 discloses a plurality of "data transmission windows" in Fig. 1 of FR2737075 which are the uncoated regions between coated strips 4. Because the uncoated regions are devoid of any metallic material (that would potentially shield electromagnetic radiation) as best seen in Fig. 4, the uncoated regions would inherently permit the passage of electromagnetic signals (i.e., data) therethrough. The claims differ from the previously cited prior art in calling for the heater coating to be a solar control layer. Although FR '075 does not expressly state the heater coating is a solar control coating, the use of such coatings as electric heater coatings for heating windshields is conventional and well known in the art as evidenced by EP378917 noting P. 2, lines 15-47. Also, Applicant admits on Page 1, lines 23-35 of the instant specification that electric heating layers with solar control properties are well known in the art to reduce overheating of the vehicle interior in

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summer. In view of EP378917, it would have been obvious to one of ordinary skill in the art to use an electric heater layer with solar control properties as the heater layer in FR '075 so that some of the incident solar radiation was reflected by the heater layer thus reducing the solar radiation to the vehicle interior.

Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR2737075 in view of EP378917 and further in view of Sperbeck (US5354966), or, alternatively, DE3708577 in view of Sperbeck (US5354966). The claims differ from the previously cited prior art in calling for even heat dissipation. Controlling an electric heater in a windshield to uniformly heat the same is conventional and well known in the art as evidenced by Sperbeck (US5354966) noting col. 1, line 55 - col. 2, line 12 where the problem of uniformly heating an electrically heated window is discussed--namely either (1) increasing the power applied to the bus bars, or (2) simply accepting the fact that a portion of the window may not be defogged. In view of Sperbeck (US5354966), it would have been obvious to one of ordinary skill in the art to uniformly heat the windshield of the previously described apparatus so that in order to ensure all portions of the windshield were equally defogged thereby improving safety.

### ***Response to Arguments***

Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

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***Other Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The art should be both separately considered and considered in conjunction with the previously cited prior art when responding to this action. US 436, US 572, US 780 disclose communications systems for vehicles that transmit and receive data through the windshield.

***Conclusion***

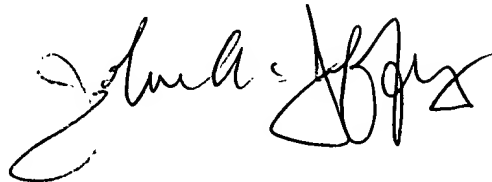
Any inquiry concerning this or earlier communications from the examiner should be directed to John A. Jeffery at telephone number (703) 306-4601 or fax (703) 305-3463. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM EST. The examiner can also be reached on alternate Fridays.

The fax phone numbers for the organization where this application or proceeding is assigned are:

Before Final	(703) 872-9302
After Final	(703) 872-9303
Customer Service	(703) 872-9301

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Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0861.

A handwritten signature in black ink, appearing to read "John A. Jeffery". The signature is fluid and cursive, with the first name "John" being more legible than the last name "Jeffery".

**JOHN A. JEFFERY  
PRIMARY EXAMINER**

**4/18/03**